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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,390	10/23/2001	Timothy J. Wilkinson	40.0010 C1	7729

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EXAMINER

CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
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2124

16

DATE MAILED: 03/24/2004

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. <sup>15</sup>~~16~~

Application Number: 10/037,390  
Filing Date: October 23, 2001  
Appellant(s): WILKINSON ET AL.

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Pehr Jansson  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 12-29-03.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

Appellant's brief includes a statement that claims 106-149 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

**(8) *Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) *Prior Art of Record***

5,923,884	Peyret et al.	7-1999
5,679,945	Renner et al.	10-1997

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 106-118, 120-128, 130-143, 145, and 147 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peyret et al. in view of Renner et al.

**(11) Response to Argument**

The applicant indicates that the converter that converts the compiled form of an application into a form suitable for interpretation by a specialized interpreter that interprets derivative applications in the converted form is missing from Peyret/Renner. The applicant conceded that the Java language provides for compiling into a compiled form and interpreting the compiled form on a Java Virtual Machine and indicates that they introduced converting the compiled form from a Java compiler into a form suitable for interpretation on a specialized interpreter to reduce the difficulty of operating Java with the limited resources of an Integrated Controller Card or Microcontroller.

The applicant spends a great deal of time indicating what his invention is not; however, not much time is devoted to what the invention is. For example, the applicant indicates that his system provides for converting a compiled into a form suitable for interpretation by a specialized interpreter and he argues that Peyret/Renner, which provides for loading Java code from a computing system from which it is compiled onto a smart card which converts the compiled code to a form suitable for interpreting on a different system and interprets the code does not teach this. First, it is not clear which of the claims refer to this "specialized interpreter". The claims merely mention "an interpreter configured to interpret applications in the converted form". Standard Java is

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considered to provide for this feature when code is compiled on one system and then transferred to another, see Peret's title "...Loading Applications onto a Smart Card". The converting occurs because each system utilizes its own virtual machine (specialized interpreter), see the definition of "virtual machine" (or have no common structure), as indicated by Peyret, attached. Note that Peyret's system utilizes a reduced interpreter (which further suggests that some type of converting occurs between the original system (CPU, with the standard interpreter) and the smartcard (with the reduced interpreter or specialized interpreter), col. 5 lines 36-58 because of the limited amount of memory available on the smart card, col. 1 lines 33-52.

The applicant further indicates that his invention (**the conversion step**) is not to address that (code) may not all have a common structure, as taught By Peyret, col. 7 lines 53-62. However, in order to get a better understanding of what the converted code is in the applicant's invention, see the applicant's definitions in the specifications on page 10 line 24-32, which indicates that code is different from the second type (having no common structure). On page 16 lines 18-23 the applicant indicates that the converter merely compresses files (i.e. no common structure) and on page 20 lines 23-29 he indicates that specific bytecodes are converted to generic bytecodes (again having no common structure) or modifies bytecodes (for example, for one system) to a different set of bytecodes (for example, for another system) supported by the particular card JVM (page 21 lines 28-30). This is considered the essence of what Peyret does in transferring code from a CPU system (one system) onto a smartcard (the second

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system), see the abstract and fig. 4. Also, see the applicant's specifications page 22 lines 15-18, which further emphasizes the features discussed above.

Also, the applicant's page 4 lines 11-14 admitted prior art, further justifies the combining of Peyret/Renner to conserve memory. See also, Peyret's col. 1 line 33-col. 2 line 3. The applicant further argues that no disclosure is provided in Renner to teach or suggest converting a compiled a compiled form into a converted form; however, Renner is merely cited to indicate the conversion between incompatible units (having no common structure) to enable compatibility between units different formats (again having no common structure), see Renner's abstract. Therefore, in view of the previous action dated 9-24-03 and the discussion above the previous rejection is considered proper and the rejections should be affirmed. The applicant also indicates that nothing in Renner indicates a compiled form. However, the applicant appears to be arguing each reference separately. Peyret teaches a compiled form and both are considered to either teach or suggest the conversion, as indicated in the previous action and above. Renner specifically indicates the conversion of data on a smart card to enable compatibility. However, Renner does not specifically indicate the type of data that is being converted. Therefore, it is considered that the data may or may not be compiled code. However, the applicant should note that since microcontrollers (like microcomputers) understands on ones and zeroes when executing, compiling is considered an inherent feature of Renner's system to enable execution. However, again Peyret's system clearly indicates the compiling feature.

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The applicant further indicates that Peyret does not mention high level languages of how to put interpreters on a smart card; however, the feature is clearly indicated in Peyret's system as indicated in the previous action and above and therefore will not be repeated here. However, a compiled applet (Java-clearly a high level language) executed on a virtual machine (via an interpreter configured specifically for that virtual machine (see again col. 5 lines 48-66) provides for the claimed features and the teachings of Renner further indicates conversions to enable compatibility.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,





Jqc  
March 18, 2004

Conferees

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